

Introduced by Senator Lowenthal

February 27, 2009

An act to amend Sections 8879.23, 14530.1, and 14679 of the Government Code, to amend Section 99243 of the Public Utilities Code, and to amend Sections 21650, 22507.8, 22511.7, 22511.8, 40203.5, and 40215 of, and to add Sections 231.5 and 231.6 to, the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 734, as introduced, Lowenthal. Transportation.

(1) The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 authorizes the issuance of \$19.925 billion in general obligation bonds for various transportation improvements, of which \$2 billion are to be allocated, upon appropriation by the Legislature, to cities and counties for specified street and road improvements. The act requires a city or county to reimburse the state for funds it receives if it fails to comply with certain conditions applicable to the expenditure of the bond funds.

This bill would require any interest or other return earned by a city or county from investment of bond funds received under these provisions to be expended or reimbursed under the same conditions as are applicable to the bond funds themselves.

(2) The Mills-Alquist-Deddeh Act requires transit operators to file an annual report of their operation with the transportation planning agencies having jurisdiction over them and the Controller within 90 days after the close of the operator's fiscal year.

This bill would extend the filing deadline from 90 days to 110 days after the close of the operator's fiscal year if the report is filed electronically.

(3) Existing law provides that every person riding a bicycle upon a highway has all the rights applicable to the driver of a vehicle and is subject to specified provisions in the Vehicle Code, including the rules of the road and specified equipment requirements. Existing law also does not prohibit the operation of bicycles on any shoulder of a highway.

This bill would define a “bicycle path crossing” as either that portion of a roadway included within the prolongation or connection of the boundary lines of a bike path, as defined, at intersections where the intersecting roadways meet at approximately right angles or as any portion of a roadway distinctly indicated for bicycle crossing by lines or other markings on the surface, except as specified.

This bill would also permit the operation of bicycles on any sidewalk, on any bicycle path within a highway, or along any crosswalk or bicycle path crossing.

(4) Existing law requires the Department of Transportation, in cooperation with the California Transportation Commission, transportation planning agencies, and county transportation commissions and local governments, to develop guidelines for the development of the state transportation improvement program and the incorporation of projects into that program.

This bill would delete an obsolete provision of this requirement.

(5) Existing law makes it unlawful for any person to park or leave standing any vehicle in a stall or space designated for disabled persons and disabled veterans, unless the vehicle displays either a special identification license plate or a distinguishing placard. A violation of this provision is an infraction. Existing law requires that a distinctive sign be displayed in the stall or the space that clearly and conspicuously states specified information, including, among other things, a “Minimum Fine \$250” and also requires that a person convicted of this provision be punished according to a schedule of fines for first, 2nd, or 3rd or more offenses.

This bill would require that the sign display only “Minimum Fine \$250” and would make a conforming, cross-reference change to these provisions. The bill would also enact a schedule of civil penalties identical to the court-administered schedule for imposing fines for violating this provision that would be administered by the issuing agency.

(6) Existing law requires the issuing agency or the processing agency to mail the results of the initial administrative review, including a reason for the denial of a cancellation of a notice of parking violations or

delinquent parking violations, to the person contesting the notice of parking violations or delinquent parking violations and places a similar notification requirement on an administrative examiner following an administrative review hearing.

This bill would require the issuing agency or the processing agency, following an initial review, to include in the notice to the person notification of the ability to request an administrative hearing, and to include the existing required notice of the written procedure for waiving prepayment of the parking penalty based upon an inability to pay.

Because this bill would increase the level of service of a city or county processing agency and because a violation of these provisions would be a crime under an existing provision of law, this bill would impose a state-mandated local program.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8879.23 of the Government Code is
2 amended to read:
3 8879.23. The Highway Safety, Traffic Reduction, Air Quality,
4 and Port Security Fund of 2006 is hereby created in the State
5 Treasury. The Legislature intends that the proceeds of bonds
6 deposited in the fund shall be used to fund the mobility, safety,
7 and air quality improvements described in this article over the
8 course of the next decade. The proceeds of bonds issued and sold
9 pursuant to this chapter for the purposes specified in this chapter
10 shall be allocated in the following manner:
11 (a) (1) Four billion five hundred million dollars
12 (\$4,500,000,000) shall be deposited in the Corridor Mobility
13 Improvement Account, which is hereby created in the fund. Funds

1 in the account shall be available to the California Transportation
2 Commission, upon appropriation in the annual Budget Bill by the
3 Legislature, for allocation for performance improvements on highly
4 congested travel corridors in California. Funds in the account shall
5 be used for performance improvements on the state highway
6 system, or major access routes to the state highway system on the
7 local road system that relieve congestion by expanding capacity,
8 enhancing operations, or otherwise improving travel times within
9 these high-congestion travel corridors, as identified by the
10 department and regional or local transportation agencies, pursuant
11 to the process in paragraph (3) or (4), as applicable.

12 (2) The commission shall develop and adopt guidelines, by
13 December 1, 2006, including regional programming targets, for
14 the program funded by this subdivision, and shall allocate funds
15 from the account to projects after reviewing project nominations
16 submitted by the Department of Transportation and by regional
17 transportation planning agencies or county transportation
18 commissions or authorities pursuant to paragraph (4).

19 (3) Subject to the guidelines adopted pursuant to paragraph (2),
20 the department shall nominate, by no later than January 15, 2007,
21 projects for the allocation of funds from the account on a statewide
22 basis. The department's nominations shall be geographically
23 balanced and shall reflect the department's assessment of a program
24 that best meets the policy objectives described in paragraph (1).

25 (4) Subject to the guidelines adopted pursuant to paragraph (2),
26 a regional transportation planning agency or county transportation
27 commission or authority responsible for preparing a regional
28 transportation improvement plan under Section 14527 may
29 nominate projects identified pursuant to paragraph (1) that best
30 meet the policy objectives described in that paragraph for funding
31 from the account. Projects nominated pursuant to this paragraph
32 shall be submitted to the commission for consideration for funding
33 by no later than January 15, 2007.

34 (5) All nominations to the California Transportation Commission
35 shall be accompanied by documentation regarding the quantitative
36 and qualitative measures validating each project's consistency
37 with the policy objectives described in paragraph (1). All projects
38 nominated to the commission for funds from this account shall be
39 included in a regional transportation plan.

(6) After review of the project nominations, and supporting documentation, the commission, by no later than March 1, 2007, shall adopt an initial program of projects to be funded from the account. This program may be updated every two years in conjunction with the biennial process for adoption of the state transportation improvement program pursuant to guidelines adopted by the commission. The inclusion of a project in the program shall be based on a demonstration that the project meets all of the following criteria:

(A) Is a high-priority project in the corridor as demonstrated by either of the following: (i) its inclusion in the list of nominated projects by both the department pursuant to paragraph (3) and the regional transportation planning agency or county transportation commission or authority, pursuant to paragraph (4); or (ii) if needed to fully fund the project, the identification and commitment of supplemental funding to the project from other state, local, or federal funds.

(B) Can commence construction or implementation no later than December 31, 2012.

(C) Improves mobility in a high-congestion corridor by improving travel times or reducing the number of daily vehicle hours of delay, improves the connectivity of the state highway system between rural, suburban, and urban areas, or improves the operation or safety of a highway or road segment.

(D) Improves access to jobs, housing, markets, and commerce.

(7) Where competing projects offer similar mobility improvements to a specific corridor, the commission shall consider additional benefits when determining which project shall be included in the program for funding. These benefits shall include, but are not limited to, the following:

(A) A finding that the project provides quantifiable air quality benefits.

(B) A finding that the project substantially increases the safety for travelers in the corridor.

(8) In adopting a program for funding pursuant to this subdivision, the commission shall make a finding that the program is (i) geographically balanced, consistent with the geographic split for funding described in Section 188 of the Streets and Highways Code; (ii) provides mobility improvements in highly traveled or highly congested corridors in all regions of California; and (iii)

1 targets bond proceeds in a manner that provides the increment of
2 funding necessary, when combined with other state, local or federal
3 funds, to provide the mobility benefit in the earliest possible
4 timeframe.

5 (9) The commission shall include in its annual report to the
6 Legislature, required by Section 14535, a summary of its activities
7 related to the administration of this program. The summary should,
8 at a minimum, include a description and the location of the projects
9 contained in the program, the amount of funds allocated to each
10 project, the status of each project, and a description of the mobility
11 improvements the program is achieving.

12 (b) One billion dollars (\$1,000,000,000) shall be made available,
13 upon appropriation in the annual Budget Bill by the Legislature,
14 to the department for improvements to State Route 99. Funds may
15 be used for safety, operational enhancements, rehabilitation, or
16 capacity improvements necessary to improve the State Route 99
17 corridor traversing approximately 400 miles of the central valley
18 of this state.

19 (c) Three billion one hundred million dollars (\$3,100,000,000)
20 shall be deposited in the California Ports Infrastructure, Security,
21 and Air Quality Improvement Account, which is hereby created
22 in the fund. The money in the account shall be available, upon
23 appropriation by the Legislature and subject to such conditions
24 and criteria as the Legislature may provide by statute, as follows:

25 (1) (A) Two billion dollars (\$2,000,000,000) shall be transferred
26 to the Trade Corridors Improvement Fund, which is hereby created.
27 The money in this fund shall be available, upon appropriation in
28 the annual Budget Bill by the Legislature and subject to such
29 conditions and criteria as the Legislature may provide by statute,
30 for allocation by the California Transportation Commission for
31 infrastructure improvements along federally designated “Trade
32 Corridors of National Significance” in this state or along other
33 corridors within this state that have a high volume of freight
34 movement, as determined by the commission. In determining
35 projects eligible for funding, the commission shall consult the trade
36 infrastructure and goods movement plan submitted to the
37 commission by the Secretary of Business, Transportation and
38 Housing and the Secretary for Environmental Protection. No
39 moneys shall be allocated from this fund until the report is
40 submitted to the commission for its consideration, provided the

1 report is submitted no later than January 1, 2007. The commission
2 shall also consult trade infrastructure and goods movement plans
3 adopted by regional transportation planning agencies, adopted
4 regional transportation plans required by state and federal law, and
5 the statewide port master plan prepared by the California Marine
6 and Intermodal Transportation System Advisory Council
7 (Cal-MITSAC) pursuant to Section 1760 of the Harbors and
8 Navigation Code, when determining eligible projects for funding.
9 Eligible projects for these funds include, but are not limited to, all
10 of the following:

11 (i) Highway capacity improvements and operational
12 improvements to more efficiently accommodate the movement of
13 freight, particularly for ingress and egress to and from the state's
14 seaports, including navigable inland waterways used to transport
15 freight between seaports, land ports of entry, and airports, and to
16 relieve traffic congestion along major trade or goods movement
17 corridors.

18 (ii) Freight rail system improvements to enhance the ability to
19 move goods from seaports, land ports of entry, and airports to
20 warehousing and distribution centers throughout California,
21 including projects that separate rail lines from highway or local
22 road traffic, improve freight rail mobility through mountainous
23 regions, relocate rail switching yards, and other projects that
24 improve the efficiency and capacity of the rail freight system.

25 (iii) Projects to enhance the capacity and efficiency of ports.

26 (iv) Truck corridor improvements, including dedicated truck
27 facilities or truck toll facilities.

28 (v) Border access improvements that enhance goods movement
29 between California and Mexico and that maximize the state's
30 ability to access coordinated border infrastructure funds made
31 available to the state by federal law.

32 (vi) Surface transportation improvements to facilitate the
33 movement of goods to and from the state's airports.

34 (B) The commission shall allocate funds for trade infrastructure
35 improvements from the account in a manner that (i) addresses the
36 state's most urgent needs, (ii) balances the demands of various
37 ports (between large and small ports, as well as between seaports,
38 airports, and land ports of entry), (iii) provides reasonable
39 geographic balance between the state's regions, and (iv) places
40 emphasis on projects that improve trade corridor mobility while

1 reducing emissions of diesel particulate and other pollutant
2 emissions. In addition, the commission shall also consider the
3 following factors when allocating these funds:

4 (i) “Velocity,” which means the speed by which large cargo
5 would travel from the port through the distribution system.

6 (ii) “Throughput,” which means the volume of cargo that would
7 move from the port through the distribution system.

8 (iii) “Reliability,” which means a reasonably consistent and
9 predictable amount of time for cargo to travel from one point to
10 another on any given day or at any given time in California.

11 (iv) “Congestion reduction,” which means the reduction in
12 recurrent daily hours of delay to be achieved.

13 (C) The commission shall allocate funds made available by this
14 paragraph to projects that have identified and committed
15 supplemental funding from appropriate local, federal or private
16 sources. The commission shall determine the appropriate amount
17 of supplemental funding each project should have to be eligible
18 for moneys from this fund based on a project-by-project review
19 and an assessment of the project’s benefit to the state and the
20 program. Except for border access improvements described in
21 clause (v) of subparagraph (A), improvements funded with moneys
22 from this fund shall have supplemental funding that is at least equal
23 to the amount of the contribution from the fund. The commission
24 may give priority for funding to projects with higher levels of
25 committed supplemental funding.

26 (D) The commission shall include in its annual report to the
27 Legislature, required by Section 14535, a summary of its activities
28 related to the administration of this program. The summary should,
29 at a minimum, include a description and the location of the projects
30 contained in the program, the amount of funds allocated to each
31 project, the status of each project, and a description of the mobility
32 and air quality improvements the program is achieving.

33 (2) One billion dollars (\$1,000,000,000) shall be made available,
34 upon appropriation by the Legislature and subject to such
35 conditions and criteria contained in a statute enacted by the
36 Legislature, to the State Air Resources Board for emission
37 reductions, not otherwise required by law or regulation, from
38 activities related to the movement of freight along California’s
39 trade corridors. Funds made available by this paragraph are
40 intended to supplement existing funds used to finance strategies

1 and public benefit projects that reduce emissions and improve air
2 quality in trade corridors commencing at the state's airports,
3 seaports, and land ports of entry.

4 (3) One hundred million dollars (\$100,000,000) shall be
5 available, upon appropriation by the Legislature, to the Office of
6 Emergency Services to be allocated, as grants, for port, harbor,
7 and ferry terminal security improvements. Eligible applicants shall
8 be publicly owned ports, harbors, and ferryboat and ferry terminal
9 operators, which may submit applications for projects that include,
10 but are not limited to, the following:

11 (A) Video surveillance equipment.

12 (B) Explosives detection technology, including, but not limited
13 to, X-ray devices.

14 (C) Cargo scanners.

15 (D) Radiation monitors.

16 (E) Thermal protective equipment.

17 (F) Site identification instruments capable of providing a
18 fingerprint for a broad inventory of chemical agents.

19 (G) Other devices capable of detecting weapons of mass
20 destruction using chemical, biological, or other similar substances.

21 (H) Other security equipment to assist in any of the following:

22 (i) Screening of incoming vessels, trucks, and incoming or
23 outbound cargo.

24 (ii) Monitoring the physical perimeters of harbors, ports, and
25 ferry terminals.

26 (iii) Providing or augmenting onsite emergency response
27 capability.

28 (I) Overweight cargo detection equipment, including, but not
29 limited to, intermodal crane scales and truck weight scales.

30 (J) Developing disaster preparedness or emergency response
31 plans.

32 The Office of Emergency Services shall report to the Legislature
33 on March 1 of each year on the manner in which the funds available
34 pursuant to this paragraph were expended for that fiscal year.

35 (d) Two hundred million dollars (\$200,000,000) shall be
36 available, upon appropriation by the Legislature, for schoolbus
37 retrofit and replacement to reduce air pollution and to reduce
38 children's exposure to diesel exhaust.

39 (e) Two billion dollars (\$2,000,000,000) shall be available for
40 projects in the state transportation improvement program, to

1 augment funds otherwise available for this purpose from other
2 sources. The funds provided by this subdivision shall be deposited
3 in the Transportation Facilities Account which is hereby created
4 in the fund, and shall be available, upon appropriation by the
5 Legislature, to the Department of Transportation, as allocated by
6 the California Transportation Commission in the same manner as
7 funds allocated for those projects under existing law.

8 (f) (1) Four billion dollars (\$4,000,000,000) shall be deposited
9 in the Public Transportation Modernization, Improvement, and
10 Service Enhancement Account, which is hereby created in the
11 fund. Funds in the account shall be made available, upon
12 appropriation by the Legislature, to the Department of
13 Transportation for intercity rail projects and to commuter or urban
14 rail operators, bus operators, waterborne transit operators, and
15 other transit operators in California for rehabilitation, safety or
16 modernization improvements, capital service enhancements or
17 expansions, new capital projects, bus rapid transit improvements,
18 or for rolling stock procurement, rehabilitation, or replacement.

19 (2) Of the funds made available in paragraph (1), four hundred
20 million dollars (\$400,000,000) shall be available, upon
21 appropriation by the Legislature, to the department for intercity
22 rail improvements, of which one hundred twenty-five million
23 dollars (\$125,000,000) shall be used for the procurement of
24 additional intercity railcars and locomotives.

25 (3) Of the funds remaining after the allocations in paragraph
26 (2), 50 percent shall be distributed to the Controller, for allocation
27 to eligible agencies using the formula in Section 99314 of the
28 Public Utilities Code, and 50 percent shall be distributed to the
29 Controller, for allocation to eligible agencies using the formula in
30 Section 99313 of the Public Utilities Code, subject to the provisions
31 governing funds allocated under those sections.

32 (g) One billion dollars (\$1,000,000,000) shall be deposited in
33 the State-Local Partnership Program Account, which is hereby
34 created in the fund. The funds shall be available, upon
35 appropriation by the Legislature and subject to such conditions
36 and criteria as the Legislature may provide by statute, for allocation
37 by the California Transportation Commission over a five-year
38 period to eligible transportation projects nominated by an applicant
39 transportation agency. A dollar for dollar match of local funds

1 shall be required for an applicant transportation agency to receive
2 state funds under this program.

3 (h) One billion dollars (\$1,000,000,000) shall be deposited in
4 the Transit System Safety, Security, and Disaster Response
5 Account, which is hereby created in the fund. Funds in the account
6 shall be made available, upon appropriation by the Legislature and
7 subject to such conditions and criteria as the Legislature may
8 provide by statute, for capital projects that provide increased
9 protection against a security and safety threat, and for capital
10 expenditures to increase the capacity of transit operators, including
11 waterborne transit operators, to develop disaster response
12 transportation systems that can move people, goods, and emergency
13 personnel and equipment in the aftermath of a disaster impairing
14 the mobility of goods, people, and equipment.

15 (i) One hundred twenty-five million dollars (\$125,000,000)
16 shall be deposited in the Local Bridge Seismic Retrofit Account,
17 which is hereby created in the fund. The funds in the account shall
18 be used, upon appropriation by the Legislature, to provide the 11.5
19 percent required match for federal Highway Bridge Replacement
20 and Repair funds available to the state for seismic work on local
21 bridges, ramps, and overpasses, as identified by the Department
22 of Transportation.

23 (j) (1) Two hundred fifty million dollars (\$250,000,000) shall
24 be deposited in the Highway-Railroad Crossing Safety Account,
25 which is hereby created in the fund. Funds in the account shall be
26 available, upon appropriation by the Legislature, to the Department
27 of Transportation for the completion of high-priority grade
28 separation and railroad crossing safety improvements. Funds in
29 the account shall be made available for allocation pursuant to the
30 process established in Chapter 10 (commencing with Section 2450)
31 of Division 3 of the Streets and Highways Code, except that a
32 dollar for dollar match of nonstate funds shall be provided for each
33 project, and the limitation on maximum project cost in subdivision
34 (g) of Section 2454 of the Streets and Highways Code shall not
35 be applicable to projects funded with these funds.

36 (2) Notwithstanding the funding allocation process described
37 in paragraph (1), in consultation with the department and the Public
38 Utilities Commission, the California Transportation Commission
39 shall allocate one hundred million dollars (\$100,000,000) of the
40 funds in the account to high-priority railroad crossing

1 improvements, including grade separation projects, that are not
2 part of the process established in Chapter 10 (commencing with
3 Section 2450) of Division 3 of the Streets and Highways Code.
4 The allocation of funds under this paragraph shall be made in
5 consultation and coordination with the High-Speed Rail Authority
6 created pursuant to Division 19.5 (commencing with Section
7 185000) of the Public Utilities Code.

8 (k) (1) Seven hundred fifty million dollars (\$750,000,000) shall
9 be deposited in the Highway Safety, Rehabilitation, and
10 Preservation Account, which is hereby created in the fund. Funds
11 in the account shall be available, upon appropriation by the
12 Legislature, to the Department of Transportation, as allocated by
13 the California Transportation Commission, for the purposes of the
14 state highway operation and protection program as described in
15 Section 14526.5.

16 (2) The department shall develop a program for distribution of
17 two hundred and fifty million dollars (\$250,000,000) from the
18 funds identified in paragraph (1) to fund traffic light
19 synchronization projects or other technology-based improvements
20 to improve safety, operations and the effective capacity of local
21 streets and roads.

22 (l) (1) Two billion dollars (\$2,000,000,000) shall be deposited
23 in the Local Streets and Road Improvement, Congestion Relief,
24 and Traffic Safety Account of 2006, which is hereby created in
25 the fund. The proceeds of bonds deposited into that account shall
26 be available, upon appropriation by the Legislature, for the
27 purposes specified in this subdivision to the Controller for
28 administration and allocation in the fiscal year in which the bonds
29 are issued and sold, including any interest or other return earned
30 on the investment of those moneys, in the following manner:

31 (A) Fifty percent to the counties, including a city and county,
32 in accordance with the following formulas:

33 (i) Seventy-five percent of the funds payable under this
34 subparagraph shall be apportioned among the counties in the
35 proportion that the number of fee-paid and exempt vehicles that
36 are registered in the county bears to the number of fee-paid and
37 exempt vehicles registered in the state

38 (ii) Twenty-five percent of the funds payable under this
39 subparagraph shall be apportioned among the counties in the
40 proportion that the number of miles of maintained county roads

1 in each county bears to the total number of miles of maintained
2 county roads in the state. For the purposes of apportioning funds
3 under this clause, any roads within the boundaries of a city and
4 county that are not state highways shall be deemed to be county
5 roads.

6 (B) Fifty percent to the cities, including a city and county,
7 apportioned among the cities in the proportion that the total
8 population of the city bears to the total population of all the cities
9 in the state, provided, however, that the Controller shall allocate
10 a minimum of four hundred thousand dollars (\$400,000) to each
11 city, pursuant to this subparagraph.

12 (2) Funds received under this subdivision shall be deposited as
13 follows in order to avoid the commingling of those funds with
14 other local funds:

15 (A) In the case of a city, into the city account that is designated
16 for the receipt of state funds allocated for local streets and roads.

17 (B) In the case of an eligible county, into the county road fund.

18 (C) In the case of a city and county, into a local account that is
19 designated for the receipt of state funds allocated for local streets
20 and roads.

21 (3) For the purpose of allocating funds under this subdivision
22 to cities and a city and county, the Controller shall use the most
23 recent population estimates prepared by the Demographic Research
24 Unit of the Department of Finance. For a city that incorporated
25 after January 1, 1998, that does not appear on the most recent
26 population estimates prepared by the Demographic Research Unit,
27 the Controller shall use the population determined for that city
28 under Section 11005.3 of the Revenue and Taxation Code.

29 (4) Funds apportioned to a city, county, or city and county under
30 this subdivision shall be used for improvements to transportation
31 facilities that will assist in reducing local traffic congestion and
32 further deterioration, improving traffic flows, or increasing traffic
33 safety that may include, but not be limited to, street and highway
34 pavement maintenance, rehabilitation, installation, construction
35 and reconstruction of necessary associated facilities such as
36 drainage and traffic control devices, or the maintenance,
37 rehabilitation, installation, construction and reconstruction of
38 facilities that expand ridership on transit systems, safety projects
39 to reduce fatalities, or as a local match to obtain state or federal
40 transportation funds for similar purposes.

(5) At the conclusion of each fiscal year during which a city or county expends the funds it has received under this subdivision, *including any interest or other return earned on the investment of these funds*, the Controller may verify the city's or county's compliance with paragraph (4). Any city or county that has not complied with paragraph (4) shall reimburse the state for the funds it received during that fiscal year, *including any interest or other return earned on the investment of these funds*. Any funds withheld or returned as a result of a failure to comply with paragraph (4) shall be reallocated to the other counties and cities whose expenditures are in compliance.

SEC. 2. Section 14530.1 of the Government Code is amended to read:

14530.1. (a) The department, in cooperation with the commission, transportation planning agencies, and county transportation commissions and local governments, shall develop guidelines for the development of the state transportation improvement program and the incorporation of projects into the state transportation improvement program.

(b) The guidelines shall include, but not be limited to, all of the following:

- (1) Standards for project deliverability.
- (2) Standards for identifying projects and project components.
- (3) Standards for cost estimating.
- (4) Programming methods for increases and schedule changes.
- (5) Objective criteria for measuring system performance and cost-effectiveness of candidate projects.

~~(c) The guidelines shall be submitted to the commission by February 1, 1999. After conducting at least one hearing in northern California and one in southern California, the commission shall adopt the guidelines by May 1, 1999.~~

~~(d)~~

(c) The guidelines shall be the complete and full statement of the policy, standards, and criteria that the commission intends to use in selecting projects to be included in the state transportation improvement program.

~~(e)~~

(d) The commission may amend the adopted guidelines after conducting at least one public hearing. The commission shall make a reasonable effort to adopt the amended guidelines prior to its

1 adoption of the fund estimate pursuant to Section 14525. In no
2 event shall the adopted guidelines be amended, or otherwise
3 revised, modified, or altered during the period commencing 30
4 days after the adoption of the fund estimate pursuant to Section
5 14525 and before the adoption of the state transportation
6 improvement program pursuant to Section 14529.

7 SEC. 3. Section 14679 of the Government Code is amended
8 to read:

9 14679. (a) A parking facility under the jurisdiction or control
10 of a state agency, that is available to private persons who desire
11 to conduct business with the state agency, shall reserve for the
12 exclusive use of any vehicle that displays either a special
13 identification license plate issued pursuant to Section 5007 or a
14 distinguishing placard issued pursuant to Section 22511.55 or
15 22511.59 a minimum of one parking space for up to 25 spaces,
16 and additional parking spaces pursuant to Section 1129B of Part
17 2 of Title 24 of the California Code of Regulations.

18 (1) (A) The space or spaces shall be reserved by posting
19 immediately adjacent to and visible from such space or spaces a
20 sign consisting of a profile view of a wheelchair with occupant in
21 white on a blue background.

22 (B) The sign shall also clearly and conspicuously state the
23 following: ~~“Minimum Fine \$250,” pursuant to Section 42001.13~~
24 ~~of the Vehicle Code, imposed upon a person parking or leaving~~
25 ~~standing a vehicle in a stall or space designated for the use of~~
26 ~~disabled persons and disabled veterans, unless a special license~~
27 ~~plate issued pursuant to Section 5007 of the Vehicle Code or a~~
28 ~~distinguishing placard issued pursuant to Section 22511.55 or~~
29 ~~22511.59 of the Vehicle Code is displayed on the vehicle. \$250.”~~

30 This subparagraph applies only to signs for parking spaces
31 constructed on or after July 1, 2008, and signs that are replaced
32 on or after July 1, 2008, or as the State Architect deems necessary
33 when renovations, structural repair, alterations, and additions occur
34 to existing buildings and facilities on or after July 1, 2008.

35 (2) The loading and unloading area of the pavement adjacent
36 to a parking stall or space designated for disabled persons or
37 disabled veterans shall be marked by a border and hatched lines.
38 The border shall be painted blue and the hatched lines shall be
39 painted a suitable contrasting color to the parking space. Blue or
40 white paint is preferred. In addition, within the border the words

1 “No Parking” shall be painted in white letters no less than 12 inches
2 high. This paragraph applies only to parking spaces constructed
3 on or after July 1, 2008, and painting that is done on or after July
4 1, 2008, or as the State Architect deems necessary when
5 renovations, structural repair, alterations, and additions occur to
6 existing buildings and facilities on or after July 1, 2008.

7 (b) If no parking facility under the jurisdiction and control of a
8 state agency is available to private persons who desire to conduct
9 business with the state agency, the state agency shall request the
10 local authority having jurisdiction over streets immediately adjacent
11 to the property of the state agency to provide parking spaces for
12 the use of disabled persons and disabled veterans pursuant to
13 Section 22511.7 of the Vehicle Code.

14 (c) The Department of General Services under the Division of
15 the State Architect shall develop pursuant to Section 4450, as
16 appropriate, conforming regulations to ensure compliance with
17 subparagraph (B) of paragraph (1) of subdivision (a) and paragraph
18 (2) of subdivision (a). Initial regulations to implement these
19 provisions shall be adopted as emergency regulations. The adoption
20 of these regulations shall be considered by the Department of
21 General Services to be an emergency necessary for the immediate
22 preservation of the public peace, health and safety, or general
23 welfare.

24 SEC. 4. Section 99243 of the Public Utilities Code is amended
25 to read:

26 99243. (a) The Controller, in cooperation with the department
27 and the operators, shall design and adopt a uniform system of
28 accounts and records, from which the operators shall prepare and
29 submit annual reports of their operation to the transportation
30 planning agencies having jurisdiction over them and to the
31 Controller within 90 days of the end of the fiscal year. *If the report*
32 *is filed in electronic format as prescribed by the Controller, the*
33 *report shall be furnished within 110 days after the close of each*
34 *fiscal year.* The report shall specify (1) the amount of revenue
35 generated from each source and its application for the prior fiscal
36 year, and (2) the data necessary to determine which section, with
37 respect to Sections 99268.1, 99268.2, 99268.3, 99268.4, 99268.5,
38 and 99268.9, the operator is required to be in compliance with in
39 order to be eligible for funds under this article.

1 (b) As a supplement to the annual report prepared pursuant to
2 subdivision (a), each operator shall include an estimate of the
3 amount of revenues to be generated from each source and its
4 proposed application for the next fiscal year, and a report on the
5 extent to which it has contracted with the Prison Industry Authority,
6 including the nature and dollar amounts of all contracts entered
7 into during the reporting period and proposed for the next reporting
8 period.

9 (c) The Controller shall instruct the county auditor to withhold
10 payments from the fund to any operator that has not submitted its
11 annual report to the Controller within the time specified by
12 subdivision (a).

13 (d) In establishing the uniform system of accounts and records,
14 the Controller shall include the data required by the United States
15 Department of Transportation and the department.

16 (e) Notwithstanding any other law or any regulation, including
17 any California Code of Regulations provision, the City of South
18 Lake Tahoe and the City of Huntington Beach may select, for
19 purposes of this chapter, on a one-time basis, a fiscal year that
20 does not end on June 30. After the city has sent a written notice
21 to the Secretary of the Business, Transportation and Housing
22 Agency and the Controller that the city has selected a fiscal year
23 other than one ending on June 30, the fiscal year selected by the
24 city shall be its fiscal year for all reports required by the state under
25 this chapter.

26 SEC. 5. Section 231.5 is added to the Vehicle Code, to read:

27 231.5. A “bicycle path” or “bike path” is a Class I bikeway,
28 as defined in subdivision (a) of Section 890.4 of the Streets and
29 Highways Code.

30 SEC. 6. Section 231.6 is added to the Vehicle Code, to read:

31 231.6. (a) A “bicycle path crossing” is either of the following:

32 (1) That portion of a roadway included within the prolongation
33 or connection of the boundary lines of a bike path at intersections
34 where the intersecting roadways meet at approximately right
35 angles.

36 (2) Any portion of a roadway distinctly indicated for bicycle
37 crossing by lines or other markings on the surface.

38 (b) Notwithstanding subdivision (a), there shall not be a bicycle
39 path crossing where local authorities have placed signs indicating
40 no crossing.

1 SEC. 7. Section 21650 of the Vehicle Code is amended to read:
2 21650. Upon all highways, a vehicle shall be driven upon the
3 right half of the roadway, except as follows:

4 (a) When overtaking and passing another vehicle proceeding
5 in the same direction under the rules governing that movement.

6 (b) When placing a vehicle in a lawful position for, and when
7 the vehicle is lawfully making, a left turn.

8 (c) When the right half of a roadway is closed to traffic under
9 construction or repair.

10 (d) Upon a roadway restricted to one-way traffic.

11 (e) When the roadway is not of sufficient width.

12 (f) When the vehicle is necessarily traveling so slowly as to
13 impede the normal movement of traffic, that portion of the highway
14 adjacent to the right edge of the roadway may be utilized
15 temporarily when in a condition permitting safe operation.

16 (g) This section does not prohibit the operation of bicycles on
17 any shoulder of a highway, *on any sidewalk, on any bicycle path*
18 *within a highway, or along any crosswalk or bicycle path crossing,*
19 where the operation is not otherwise prohibited by this code or
20 local ordinance.

21 SEC. 8. Section 22507.8 of the Vehicle Code is amended to
22 read:

23 22507.8. (a) It is unlawful for any person to park or leave
24 standing any vehicle in a stall or space designated for disabled
25 persons and disabled veterans pursuant to Section 22511.7 or
26 22511.8 *of this code or Section 14679 of the Government Code,*
27 unless the vehicle displays either a special identification license
28 plate issued pursuant to Section 5007 or a distinguishing placard
29 issued pursuant to Section 22511.55 or 22511.59.

30 (b) It is unlawful for any person to obstruct, block, or otherwise
31 bar access to those parking stalls or spaces except as provided in
32 subdivision (a).

33 (c) It is unlawful for any person to park or leave standing any
34 vehicle, including a vehicle displaying a special identification
35 license plate issued pursuant to Section 5007 or a distinguishing
36 placard issued pursuant to Section 22511.55 or 22511.59, in either
37 of the following places:

38 (1) On the lines marking the boundaries of a parking stall or
39 space designated for disabled persons or disabled veterans.

(2) In any area of the pavement adjacent to a parking stall or space designated for disabled persons or disabled veterans that is marked by crosshatched lines and is thereby designated, pursuant to any local ordinance, for the loading and unloading of vehicles parked in the stall or space.

(d) Subdivisions (a), (b), and (c) apply to all offstreet parking facilities owned or operated by the state, and to all offstreet parking facilities owned or operated by a local authority. Subdivisions (a), (b), and (c) also apply to any privately owned and maintained offstreet parking facility.

SEC. 9. Section 22511.7 of the Vehicle Code is amended to read:

22511.7. (a) In addition to Section 22511.8 for offstreet parking, a local authority may, by ordinance or resolution, designate onstreet parking spaces for the exclusive use of a vehicle that displays either a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59.

(b) (1) Whenever a local authority so designates a parking space, it shall be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space. In addition, the local authority shall post immediately adjacent to and visible from the space a sign consisting of a profile view of a wheelchair with occupant in white on a blue background.

(2) The sign required pursuant to paragraph (1) shall clearly and conspicuously state the following: “Minimum Fine ~~\$250,~~” ~~pursuant to Section 42001.13, imposed upon a person parking or leaving standing a vehicle in a stall or space designated for the use of a disabled person or disabled veterans, unless a special license plate issued pursuant to Section 22511.55 or Section 22511.59 is displayed on the vehicle.~~ \$250.” This paragraph applies only to signs for parking spaces constructed on or after July 1, 2008, and signs that are replaced on or after July 1, 2008.

(3) If the loading and unloading area of the pavement adjacent to a parking stall or space designated for disabled persons or disabled veterans is to be marked by a border and hatched lines, the border shall be painted blue and the hatched lines shall be painted a suitable contrasting color to the parking space. Blue or white paint is preferred. In addition, within the border the words “No Parking” shall be painted in white letters no less than 12 inches

1 high. This paragraph applies only to parking spaces constructed
2 on or after July 1, 2008, and painting that is done on or after July
3 1, 2008.

4 (c) This section does not restrict the privilege granted to disabled
5 persons and disabled veterans by Section 22511.5.

6 SEC. 10. Section 22511.8 of the Vehicle Code is amended to
7 read:

8 22511.8. (a) A local authority, by ordinance or resolution, and
9 a person in lawful possession of an offstreet parking facility may
10 designate stalls or spaces in an offstreet parking facility owned or
11 operated by the local authority or person for the exclusive use of
12 a vehicle that displays either a special license plate issued pursuant
13 to Section 5007 or a distinguishing placard issued pursuant to
14 Section 22511.55 or 22511.59. The designation shall be made by
15 posting a sign as described in paragraph (1), and by either of the
16 markings described in paragraph (2) or (3):

17 (1) (A) By posting immediately adjacent to, and visible from,
18 each stall or space, a sign consisting of a profile view of a
19 wheelchair with occupant in white on a blue background.

20 (B) The sign shall also clearly and conspicuously state the
21 following: ~~“Minimum Fine \$250,” pursuant to Section 42001.13,~~
22 ~~imposed upon a person parking or leaving standing a vehicle in a~~
23 ~~stall or space designated for the use of disabled persons and~~
24 ~~disabled veterans, unless a special license plate issued pursuant to~~
25 ~~Section 5007 or a distinguishing placard issued pursuant to Section~~
26 ~~22511.55 or 22511.59 is displayed on the vehicle. \$250.”~~ This
27 subparagraph applies only to signs for parking spaces constructed
28 on or after July 1, 2008, and signs that are replaced on or after July
29 1, 2008, or as the State Architect deems necessary when
30 renovations, structural repair, alterations, and additions occur to
31 existing buildings and facilities on or after July 1, 2008.

32 (2) (A) By outlining or painting the stall or space in blue and
33 outlining on the ground in the stall or space in white or suitable
34 contrasting color a profile view depicting a wheelchair with
35 occupant.

36 (B) The loading and unloading area of the pavement adjacent
37 to a parking stall or space designated for disabled persons or
38 disabled veterans shall be marked by a border and hatched lines.
39 The border shall be painted blue and the hatched lines shall be
40 painted a suitable contrasting color to the parking space. Blue or

1 white paint is preferred. In addition, within the border the words
2 “No Parking” shall be painted in white letters no less than 12 inches
3 high. This subparagraph applies only to parking spaces constructed
4 on or after July 1, 2008, and painting that is done on or after July
5 1, 2008, or as the State Architect deems necessary when
6 renovations, structural repair, alterations, and additions occur to
7 existing buildings and facilities on or after July 1, 2008.

8 (3) By outlining a profile view of a wheelchair with occupant
9 in white on a blue background, of the same dimensions as in
10 paragraph (2). The profile view shall be located so that it is visible
11 to a traffic enforcement officer when a vehicle is properly parked
12 in the space.

13 (b) The Department of General Services under the Division of
14 the State Architect shall develop pursuant to Section 4450 of the
15 Government Code, as appropriate, conforming regulations to ensure
16 compliance with subparagraph (B) of paragraph (1) of subdivision
17 (a) and subparagraph (B) of paragraph (2) of subdivision (a). Initial
18 regulations to implement these provisions shall be adopted as
19 emergency regulations. The adoption of these regulations shall be
20 considered by the Department of General Services to be an
21 emergency necessary for the immediate preservation of the public
22 peace, health and safety, or general welfare.

23 (c) If posted in accordance with subdivision (e) or (f), the owner
24 or person in lawful possession of a privately owned or operated
25 offstreet parking facility, after notifying the police or sheriff’s
26 department, may cause the removal of a vehicle from a stall or
27 space designated pursuant to subdivision (a) in the facility to the
28 nearest public garage unless a special license plate issued pursuant
29 to Section 5007 or distinguishing placard issued pursuant to Section
30 22511.55 or 22511.59 is displayed on the vehicle.

31 (d) If posted in accordance with subdivision (e), the local
32 authority owning or operating an offstreet parking facility, after
33 notifying the police or sheriff’s department, may cause the removal
34 of a vehicle from a stall or space designated pursuant to subdivision
35 (a) in the facility to the nearest public garage unless a special
36 license plate issued pursuant to Section 5007 or a distinguishing
37 placard issued pursuant to Section 22511.55 or 22511.59 is
38 displayed on the vehicle.

39 (e) Except as provided in Section 22511.9, the posting required
40 for an offstreet parking facility owned or operated either privately

1 or by a local authority shall consist of a sign not less than 17 by
2 22 inches in size with lettering not less than one inch in height
3 which clearly and conspicuously states the following:
4 “Unauthorized vehicles parked in designated accessible spaces not
5 displaying distinguishing placards or special license plates issued
6 for persons with disabilities will be towed away at the owner’s
7 expense. Towed vehicles may be reclaimed at:

8
9
10 _____ or by telephoning
11 (Address)
12 _____.”
13 (Telephone number of local law enforcement agency)
14

15 The sign shall be posted in either of the following locations:

16 (1) Immediately adjacent to, and visible from, the stall or space.

17 (2) In a conspicuous place at each entrance to the offstreet
18 parking facility.

19 (f) If the parking facility is privately owned and public parking
20 is prohibited by the posting of a sign meeting the requirements of
21 paragraph (1) of subdivision (a) of Section 22658, the requirements
22 of subdivision (c) may be met by the posting of a sign immediately
23 adjacent to, and visible from, each stall or space indicating that a
24 vehicle not meeting the requirements of subdivision (a) will be
25 removed at the owner’s expense and containing the telephone
26 number of the local traffic law enforcement agency.

27 (g) This section does not restrict the privilege granted to disabled
28 persons and disabled veterans by Section 22511.5.

29 SEC. 11. Section 40203.5 of the Vehicle Code is amended to
30 read:

31 40203.5. (a) The schedule of parking penalties for parking
32 violations and late payment penalties shall be established by the
33 governing body of the jurisdiction where the notice of violation is
34 issued. To the extent possible, issuing agencies within the same
35 county shall standardize parking penalties.

36 (b) Parking penalties under this article shall be collected as civil
37 penalties.

38 (c) (1) *The penalty for a violation of Section 22507.8 shall be*
39 *as follows:*

1 (A) *Not less than two hundred fifty dollars (\$250) and not more*
2 *than five hundred dollars (\$500) for the first offense.*

3 (B) *Not less than five hundred dollars (\$500) and not more than*
4 *seven hundred fifty dollars (\$750) for the second offense.*

5 (C) *Not less than seven hundred fifty dollars (\$750) and not*
6 *more than one thousand dollars (\$1,000) for three or more*
7 *offenses.*

8 (2) *The issuing agency may suspend the imposition of the penalty*
9 *in paragraph (1), if the violator, at the time of the offense,*
10 *possessed but failed to display a valid special identification license*
11 *plate issued pursuant to Section 5007 or a distinguishing placard*
12 *issued pursuant to Section 22511.55 or 22511.59.*

13 (3) *A penalty imposed pursuant to this subdivision may be paid*
14 *in installments if the issuing agency determines that the violator*
15 *is unable to pay the entire amount in one payment.*

16 SEC. 12. Section 40215 of the Vehicle Code is amended to
17 read:

18 40215. (a) For a period of 21 calendar days from the issuance
19 of a notice of parking violation or 14 calendar days from the
20 mailing of a notice of delinquent parking violation, a person may
21 request an initial review of the notice by the issuing agency. The
22 request may be made by telephone, in writing, or in person. There
23 shall be no charge for this review. If, following the initial review,
24 the issuing agency is satisfied that the violation did not occur, that
25 the registered owner was not responsible for the violation, or that
26 extenuating circumstances make dismissal of the citation
27 appropriate in the interest of justice, the issuing agency shall cancel
28 the notice of parking violation or notice of delinquent parking
29 violation. The issuing agency shall advise the processing agency,
30 if any, of the cancellation. The issuing agency or the processing
31 agency shall mail the results of the initial review to the person
32 contesting the notice, and, if following that review, cancellation
33 of the notice does not occur, include a reason for that denial,
34 *notification of the ability to request an administrative hearing,*
35 *and notice of the procedure adopted pursuant to subdivision (b)*
36 *for waiving prepayment of the parking penalty based upon an*
37 *inability to pay.*

38 (b) If the person is dissatisfied with the results of the initial
39 review, the person may request an administrative hearing of the
40 violation no later than 21 calendar days following the mailing of

1 the results of the issuing agency's initial review. The request may
2 be made by telephone, in writing, or in person. The person
3 requesting an administrative hearing shall deposit the amount of
4 the parking penalty with the processing agency. The issuing agency
5 shall ~~provide~~ *adopt* a written procedure to allow a person to request
6 an administrative hearing without payment of the parking penalty
7 upon satisfactory proof of an inability to pay the amount due.
8 ~~Notice of this procedure shall be provided to all persons requesting~~
9 ~~an administrative hearing.~~ After January 1, 1996, an administrative
10 hearing shall be held within 90 calendar days following the receipt
11 of a request for an administrative hearing, excluding time tolled
12 pursuant to this article. The person requesting the hearing may
13 request one continuance, not to exceed 21 calendar days.

14 (c) The administrative hearing process shall include the
15 following:

16 (1) The person requesting a hearing shall have the choice of a
17 hearing by mail or in person. An in-person hearing shall be
18 conducted within the jurisdiction of the issuing agency. If an
19 issuing agency contracts with an administrative provider, hearings
20 shall be held within the jurisdiction of the issuing agency or within
21 the county of the issuing agency.

22 (2) If the person requesting a hearing is a minor, that person
23 shall be permitted to appear at a hearing or admit responsibility
24 for the parking violation without the necessity of the appointment
25 of a guardian. The processing agency may proceed against the
26 minor in the same manner as against an adult.

27 (3) The administrative hearing shall be conducted in accordance
28 with written procedures established by the issuing agency and
29 approved by the governing body or chief executive officer of the
30 issuing agency. The hearing shall provide an independent,
31 objective, fair, and impartial review of contested parking violations.

32 (4) (A) The issuing agency's governing body or chief executive
33 officer shall appoint or contract with qualified examiners or
34 administrative hearing providers that employ qualified examiners
35 to conduct the administrative hearings. Examiners shall
36 demonstrate those qualifications, training, and objectivity necessary
37 to conduct a fair and impartial review. An examiner shall not be
38 employed, managed, or controlled by a person whose primary
39 duties are parking enforcement or parking citation, processing,
40 collection, or issuance. The examiner shall be separate and

1 independent from the citation collection or processing function.
2 An examiner's continued employment, performance evaluation,
3 compensation, and benefits shall not, directly or indirectly, be
4 linked to the amount of fines collected by the examiner.

5 (B) Examiners shall have a minimum of 20 hours of training.
6 The examiner is responsible for the costs of the training. The
7 issuing agency may reimburse the examiner for those costs.
8 Training may be provided through (i) an accredited college or
9 university, (ii) a program conducted by the Commission on Peace
10 Officer Standards and Training, (iii) American Arbitration
11 Association or a similar established organization, or (iv) through
12 any program approved by the governing board of the issuing
13 agency, including a program developed and provided by, or for,
14 the agency. Training programs may include topics relevant to the
15 administrative hearing, including, but not limited to, applicable
16 laws and regulations, parking enforcement procedures, due process,
17 evaluation of evidence, hearing procedures, and effective oral and
18 written communication. Upon the approval of the governing board
19 of the issuing agency, up to 12 hours of relevant experience may
20 be substituted for up to 12 hours of training. In addition, up to
21 eight hours of the training requirements described in this
22 subparagraph may be credited to an individual, at the discretion
23 of the governing board of the issuing agency, based upon training
24 programs or courses described in (i) to (iv), inclusive, that the
25 individual attended within the last five years.

26 (5) The officer or person who issues a notice of parking violation
27 shall not be required to participate in an administrative hearing.
28 The issuing agency shall not be required to produce any evidence
29 other than the notice of parking violation or copy thereof and
30 information received from the Department of Motor Vehicles
31 identifying the registered owner of the vehicle. The documentation
32 in proper form shall be prima facie evidence of the violation.

33 (6) The examiner's decision following the administrative hearing
34 may be personally delivered to the person by the examiner or sent
35 by first-class mail, and, if the notice is not cancelled, include a
36 written reason for that denial.

37 (7) Following a determination by the examiner that a person
38 has committed the violation, the examiner may, consistent with
39 the written guidelines established by the issuing agency, allow
40 payment of the parking penalty in installments, or an issuing

1 agency may allow for deferred payment or allow for payments in
2 installments, if the person provides evidence satisfactory to the
3 examiner or the issuing agency, as the case may be, of an inability
4 to pay the parking penalty in full. If authorized by the governing
5 board of the issuing agency, the examiner may permit the
6 performance of community service in lieu of payment of a parking
7 penalty.

8 (d) The provisions of this section relating to the administrative
9 appeal process do not apply to an issuing agency that is a law
10 enforcement agency if the issuing agency does not also act as the
11 processing agency.

12 SEC. 13. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution for certain
14 costs that may be incurred by a local agency or school district
15 because, in that regard, this act creates a new crime or infraction,
16 eliminates a crime or infraction, or changes the penalty for a crime
17 or infraction, within the meaning of Section 17556 of the
18 Government Code, or changes the definition of a crime within the
19 meaning of Section 6 of Article XIII B of the California
20 Constitution.

21 However, if the Commission on State Mandates determines that
22 this act contains other costs mandated by the state, reimbursement
23 to local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.